

GAHC010108662025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2914/2025

HIRNO MADAHI
S/O- LATE AMAL RANJAN MADAHI,
VILL DHAULIGURI, P.O CHANDRAPARA, P.S KOKRAJHAR, DIST
KOKRAJHAR, ASSAM

2: DILIP KUMAR MADAHI
VILL DHAULIGURI
P.O CHANDRAPARA
P.S KOKRAJHAR
DIST KOKRAJHAR
ASSAM

3: MAHENDRA MADAHI
VILL KHUKSHI
P.O SAKTI ASHRAM
P.S FAKIRAGRAM
DIST KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM, DEPARTMENT OF TRIBAL AFFAIRS (PLAIN), BLOCK-D, 1ST
FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI-781006

2: THE DIRECTOR OF TRIBAL AFFAIRS
SATRINIVASH PATH
RUKMININAGAR
DIST KAMRUP METRO
ASSAM

3: THE DISTRICT COMMISSIONER
KOKRAJHAR

P.O
PS AND DIST KOKRAJHAR

4:THE SECRETARY TO THE GOVT OF ASSAM
DEPARTMENT OF TRIBAL AFFAIRS (PLAIN)
DISPUR
GUWAHATI 06

5:ALL ASSAM TRIBAL SANGHA
TRIBAL REST HOUSE
PALTAN BAZAR
GUWAHATI 0

Advocate for the Petitioner : MR A HAWARI, A R MONDAL,MR. S ISLAM

Advocate for the Respondent : GA, ASSAM, MR. R DHAR, SC, TRIBAL AFFAIRS (PLAIN)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

16.03.2026

Heard Shri S. Islam, learned counsel for the petitioner. Also heard Shri N. Goswami, learned State Counsel and Shri R. Dhar, learned Standing Counsel, Tribal Affairs (Plain).

2. Considering the subject matter involved and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

3. As per the facts projected, the petitioners, who are 3 in nos., belongs to the "*Madahi*" sub-tribe of Rabha Tribe, which is a Scheduled Tribe (Plain) in Assam. The petitioners had submitted online applications on 06.01.2025 and 07.01.2025 before the concerned District Commissioner, Kokrajhar for issuing such ST(P)Certificate and they claim of enclosing all relevant documents, including the Certificates issued by the concerned Organization, as per the

Office Memorandum dated 08.08.2022. However, the applications have been rejected on whimsical grounds.

4. Shri Islam, learned counsel for the petitioners has submitted that, as per the official documents, "*Madah*" sub-tribe of the Rabha Tribe is a Scheduled Tribe (Plain) in the State of Assam. He has also drawn the attention of this Court to the Office Memorandum dated 08.08.2022, in which the procedure for granting such Certificate has been laid down. It is submitted that the father's Caste Certificate is not the only requirement prescribed and there is another option, where an Identification Certificate can be issued by the Authorized Caste / Tribe Organization. He submits that in this connection, the Authorized Organization has given a Certificate and without considering the same, the rejection has been made. He has also submitted that the remark in the rejection, which has been made online is also incorrect, regarding the aspect of submission of supporting documents, inasmuch as, such supporting documents, were already enclosed to the applications.

5. Shri Dhar, learned Standing Counsel has submitted that as per the Office Memorandum dated 08.08.2022, there is a requirement of such application to be enclosed by the Caste / Tribe Certificate of the father of the applicant. He however, fairly concedes that an Identification Certificate issued by the Authorized Caste / Tribe Organization can also be considered.

6. A perusal of the applications submitted by the petitioners would show that those were also enclosed by the relevant documents, including the Certificate issued by the relevant Organization. This Court has carefully perused the Office Memorandum dated 08.08.2022, which lays down the procedure for grant of such Certificate and it is not in dispute regarding the operation of the aforesaid Office Memorandum dated 08.08.2022. This Court has also noted that, in case

the Deputy Commissioner (District Commissioner) of the concerned district has any doubts on the authenticity of the Caste Certificate either of the father of the petitioner, or the Certificate issued by the Organization, the Deputy Commissioner may cause an inquiry through the Circle Officer. There is also a stipulation that such inquiry is to be limited to ascertaining the caste identity and not for production of data documents, such as, NRC papers, etc. For ready reference, the procedure laid down in the Office Memorandum dated 08.08.2022 is extracted hereinbelow:

“Applications are to be submitted by filling up the online Application Form and attaching either (1) the Caste/Tribe Certificate of the father of the applicant or (2) an Identification Certificate issued by the authorized caste/tribe organization. The Deputy Commissioner of the concerned district where the applicant is a resident shall scrutinize the application and when the caste certificate of the father of the applicant, if enclosed, is found to be genuine and bona fide, the Deputy Commissioner concerned may issue the caste certificate to such applicant. In case of any doubt on the authenticity of the caste certificate of the applicant's father, the Deputy Commissioner shall cause an enquiry of the caste certificate through the authorized Caste or Tribe organizations. In case of any doubt on an Identification Certificate issued by Caste/Tribe organization, the Deputy Commissioner will cause an enquiry through the Circle Officer. However, the inquiry is to be limited to ascertaining the caste identity and not for production of data/documents such as NRC papers etc.”

7. As noted above, there is no dispute to the existence of the Office Memorandum dated 08.08.2022 and the same being in operation, as of today.
8. This Court is of the view that when the procedure laid down also contains

a further step of causing an inquiry in case of any doubt the Identification Certificate issued by any Organization, that the same can be inquired, the aspect of rejection of the application, without causing such inquiry, does not appear to be reasonable and justified.

9. The writ petition accordingly stands allowed by directing the concerned District Commissioner, Kokrajhar to strictly follow the procedures laid down in the Office Memorandum dated 08.08.2022 and in case of any doubt with the Identification Certificate issued by the Organization, cause further inquiry through the Circle Officer, in the manner prescribed and thereafter, take appropriate action in accordance with law.

10. The aforesaid exercise be undertaken and concluded expeditiously, and preferably within 90(ninety) days, from the date of receipt of the certified copy of this order.

11. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant